

CSPA Exhibit 4

Testimony of Lynn Barris
To the State Water Resources Control Board
USBR/DWR Hearing

My name is Lynn Barris. My husband and I own land on which we grow almonds in two locations in Butte County. Like most of my neighbors, I get my water from the groundwater table beneath my land. One piece of my land is 42 acres of almonds on Gage Road near the town of Nelson. The land on the other side of the road is rice land within the Western Canal Water District. The purpose of my testimony is to tell the State Board members what happened to my neighbors and me in 1994, the last time DWR attempted a large-scale drought water transfer program.

There had been a small drought water bank in 1991, but it sold very little water. This was the first time that we orchardists in Butte County became aware of the possibility that we would not have water to grow our crops in drought years because of large-scale water transfer programs to southern California and the western San Joaquin Valley.

In 1992 I was appointed to the Butte County Grand Jury. Because of the new fears of local people about drought water transfer programs, the Grand Jury formed a committee to interview water districts, water attorneys, and land owners about the water transfers. The Grand Jury was assured by the water experts that there would be no effects to the groundwater table, and that no one's right to use water on their land would be affected by such programs. The Grand Jury report was released in May of 1994. By the end of that month, when I got up in the morning no water would come out of my faucet. I could not count on water for my crops, and the same thing was happening to my

neighbors and the adjacent area, known as the Cherokee Strip. We attempted to get the irrigation districts in the neighborhood to stop the groundwater substitution for the surface water they had sold for high profit, but we were told we should get lawyers and sue them, because they were not going to stop. I personally know of one rice farmer in the Cherokee Strip who went bankrupt in 1994 because he could not get water for his crop.

Lawyers were hired by the groundwater users. The lawyers had meetings with DWR, explained the damage, and in fact DWR came in and shut down the irrigation district's wells for two days. The groundwater did not immediately recharge, so DWR told the lawyers that they were not responsible for the damage and allowed the wells to be turned back on. The rest of the summer of 1994 created turmoil in Butte County that still divides the community today. Essentially that divide is between those who get the money for these transfers and everyone who relies on groundwater for their water supply, which includes the almond, walnut, and pistachio farmers that make up the majority of Butte County agricultural income. People helped their neighbors and worked hard and most of us got through it [the 1994 drought water bank]. The town of Durham lost one municipal well, and the town had to ration water until winter rains came.

Since 1994, there has been no comparable groundwater level decline in my area of Butte County. Today, DWR is proposing another Water transfer program. There are no environmental documents for this water bank since the Governor declared a drought emergency and suspended CEQA review of the project. The 2009 Water Bank is much bigger than the 1994 Water Bank, and this petition for change in place of use of water in the state and federal projects will enable many more people to contract to take water from

the Sacramento Valley. The underground water also provides water for most of the cities on the east side of the Sacramento Valley. Butte County also has an estimated 17,000 domestic wells. DWR does not have records for most of these wells because they were built before 1980, when there was no requirement to register their presence.

After DWR shut down its Supplemental Water Purchase Program in 1996 in response to the public outcry over the adverse effects of such transfer programs on Sacramento Valley communities, Butte County passed a groundwater transfer ordinance to prevent this happening again. Shortly after that, however, in testimony before the Senate Water and Agriculture Committee, Robert Potter of DWR stated that DWR would be back for Sacramento Valley groundwater. The 2009 Drought Water Bank makes it clear that Mr. Potter was right.

After reviewing the Notice of Hearing for this hearing, it is clear to me that anyone using groundwater in the Sacramento Valley is at risk of having the Drought Water Bank Program cause damage to their ability to use groundwater on their land. I am informed and believe that the State Board has a No Injury Rule for changes in place of use, and therefore this Petition should not be approved.